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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,932	12/12/2003	Chi Fai Ho	IPLN.P0001C	2247

7590 05/11/2007
Peter Tong
1807 Limetree Lane
Mountain View, CA 94040

EXAMINER

LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/734,932	HO ET AL.	
	Examiner	Art Unit	
	Frank M. Leiva	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006 and 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/24/2006, 05/05/2006, 06/05/2006, 03/02/2007, 04/29/2007.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 13-16 and 23-26 in the reply filed on 24 April 2006 is acknowledged. The traversal is on the ground(s) that the applicant is unfairly prejudiced and there is no serious burden on the examiner. This is not found persuasive because, although the examiner clearly sympathizes with the applicant, the burden is not un-due on the applicant. Clearly the applicant has claimed 4 different inventions and as such they must be filed separately.

A. There is no argument for Prejudice toward the applicant mentioned.

B. There is serious burden on the examiner to the fact that as much that many of these classifications cross reference each other or overlap as the applicant mentioned, the art to look for is obviously different from one another and the limitations pointing to different inventions would cause complications and include an extensively large search. The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of the computer-implemented method must be shown in a flowchart if there is a sequence to them, or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-16, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 5,904,485).

4. [Claims 13, 23]: Regarding Claims 13 and 23, Siefert discloses retrieving test results from testing (i.e., assessment) the user on at least one area of the subject after materials on the subject have been presented for the user to learn. See Col.9: 10-19. Siefert discloses analyzing the test results using a relationship rule to suggest certain activity (e.g., lesson number 13) for the user. See Col.9: 10-19. Siefert discloses wherein the relationship rule defines at least a relationship between at least two area of the subject (e.g., lesson number 12 and lesson number 13 of analytic geometry). See Col.9: 14-19. Siefert discloses wherein the method further comprises selecting an area

of the subject for the user to work on (e.g., lesson number 13), and wherein the user previously has been assessed (i.e., successfully completed 12 of 60 lessons) to have achieved a certain satisfactory level of understanding in the area after presentation of materials regarding the area to the user. See Col.9: 14-19. Siefert discloses wherein one or more additional areas or a third area and a fourth area of the subject may be selected for the user to work on after the user has been previously assessed to have achieved a certain satisfactory level of understanding in the area and depending on the time elapsed from the time when the user has been assessed to have achieved a certain level of understanding in the third area. See Col.9: 14-19, 62-67. Siefert discloses wherein the area is selected for the user without depending on whether the user has been assessed to have achieved a certain satisfactory level of understanding in the one or more additional areas. See Col.14: 40-58.

5. [Claims 14-15,24-25]: **Regarding Claims 14-15 and 24-25**, Siefert discloses the testing on the user comprises testing the user on a plurality of areas; wherein the subject includes a broad area (i.e., analytic geometry) and a narrow area (i.e., lesson number 13), with the broad area covering the narrow area; and the suggestion can be on the broad area or the narrow area and wherein based on the suggestion, materials are presented to the user to allow the user to practice on the subject so as to further enhance the user's understanding in the subject. See Col.9: 10-19.

6. [Claims 16, 26]: **Regarding Claims 16 and 26**, Siefert discloses wherein the user is allowed to be involved in an interactive exploration (e.g., request another explanation) to learn about the subject. See Col.14: 56.

Response to Arguments

7. Applicant's arguments filed 24 April 2007 have been fully considered but they are not persuasive.

8. In regards of the argument directed to the 35 USC § 102 rejection of claims 13 and 23, the applicant states, "In other words, the student could have understood area A, and then worked on area B before going back to area A. Also the student may go back

to area A even if the student has not achieved a certain satisfactory level of understanding in area B", the examiner wishes to understand where in the claim language is it possible for the user to go back in lessons, or where for that matter is pointed out that the user is given a selection. All selections are made by the system and the user is not given choices.

9. In regards to the argument directed to claims 14-16, and 24-26 in regards of their dependence to claims 13 and 23, for the same reasons stated above the rejection stands.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

05/08/2007

A handwritten signature in black ink, appearing to read 'Robert E. Pezzuto', with a stylized flourish extending to the right.

Robert E Pezzuto

Supervisory Patent Examiner

Art Unit 3714